

Pine Brook Hills Homeowners Association

For Unified, Effective Covenants

Covenants Now: 7 conflicting versions; limited enforcement

Future: 1 unified set of Covenants; effective enforcement

Covenants Survey Results: PBH respondents agree overwhelmingly to do this

PBH is currently covered by a "patchwork quilt" of seven individual and sometimes conflicting Covenants for different parts of PBH dating from the 1960s. Another unified set of Covenants was developed and recorded in 1992, but it was never ratified by the necessary majority of each PBH unit's lot owners. The PBH HOA Board supports a single set of Covenants across all the Pine Brook Hills community with more enforcement powers to defend them. The results of a Fall 2009 Covenants Survey suggests that this viewpoint is also strongly supported by lot owners and residents who responded to the survey. With a single set of Covenants, ALL PBH lot owners and residents will have the same rules, rather than one person finding out they can't do what their neighbor can do and vice-versa.

Effective Enforcement Now: Lot Owners in same unit

Future: Lot Owners in all units; HOA representing all Lot Owners

The existing seven individual Covenants and the way they are written severely limit enforcement. Only lot owners within a particular subdivision can take effective action to enforce the Covenants of that subdivision. The HOA itself, the ARC committee, and lot owners in other, adjacent PBH subdivisions cannot do so. We, the HOA Board, think this should change. ALL PBH lot owners as well as the HOA representing them should have more effective enforcement capabilities in the rare case where it is needed to defend our property values.

Unified Covenants Reasons

- Seven sets of rules within one small community means that homeowners may be subject to rules that don't apply to their neighbors.
- If one party violates the rules of their unit, neighbors in an adjoining but different unit may not be able to do anything about it.
- The financial burden of taking action against an offending party is limited to one unit, not spread out to the community as a whole.
- Even if an individual unit succeeds in an action to enforce the unit's covenants, there are no provisions in the covenants to recover legal fees.
- The lack of uniformity of covenants raises the complexity of solving issues across units.

Examples of Differences Between Existing Covenants

- Only Unit 4 lots can have a 4 car garage. All other units only a 3 car garage.
- Units 4 – 7 can have 2 story houses. Units 1 - 3 only 1 ½ story houses.

Why Effective Enforcement is Needed

- In 2007, a Lot owner bordering Linden said PBH Covenants didn't apply to them
 - Defending Covenants cost PBH HOA > \$14,000 – almost half the HOA's yearly dues income
 - Lot owner is still out of compliance with an agreement signed with HOA
 - Lot owner has two garage buildings on property, in violation of Covenants
- In 2006, a Lot owner on North Cedar Brook started building a house
 - 3+ years later, house is still unfinished
 - Construction debris spread everywhere
 - Neighbors have difficulty selling their houses due to the unsightly situation
 - Severe impact to their/our PBH property values

Timeline for PBH Covenants and By-Laws Approval

- **Apr – Aug '09 – Covenants Advisory Committee reviews Covenants options**
- **Sep '09 – HOA board agrees to sponsor Covenants Survey**
 - **Covenants Survey confirms high community interest in new Covenants**
 - **HOA Covenants web site set up with many Covenants materials**
- **Oct '09 - HOA board approved draft Covenants sent out to all for discussion**
- **Nov '09 – HOA membership votes for budget to pass new Covenants**
 - **Four input/discussion sessions to refine requested changes**
- **Dec – Dec 9th 7pm - HOA board meeting - votes on which changes will be included**
 - **Middle Dec - Another PBH Covenants Survey to check “pulse” of community**
 - **Explain what changes have been made from Oct '09 Draft**
 - **Ask Lot Owners if they will ratify the changed draft Covenants & By-Laws**
 - **Ask Lot owners if their neighbors will ratify**
 - **Ask for final feedback**
- **Jan '10 – Early Jan - Send out “pulse” survey results**
 - **Legal Work (assuming survey results say most will ratify)**
 - **Turn all additions/deletions into legal language**
 - **Devise ratification procedure and documents**
 - **Have legal peer review**
 - **Identify Unit Captains/Advocates Committee in each of 7 units**
 - **They start becoming Notaries, if needed**
 - **Jan 27th – HOA member meeting**
 - **Revised By-Laws approved by HOA membership**
 - **Covenants legal work completed**
 - **“Legalized” Covenants reviewed with membership**
 - **HOA Board votes on sending out Covenants for ratification**
- **Feb '10 – Final Covenants sent out to Lot Owners**
 - **Local Unit meetings and community-wide meetings defined**
 - **Mailing to all Lot Owners –**
 - **Includes Covenants & invitation to ratification meetings**
- **Mar – Apr '10 – Ratification meetings**
 - **Local Unit meetings hosted by Unit Captains/Advocates**
 - **Community-wide meetings hosted by HOA board**
 - **Individual follow-up calls, meetings by Unit Captains/Advocates**
- **May '10 – Hopefully, new Covenants registered with Boulder County**
 - **Results of unification mailed to all Lot Owners and Residents**